

REMARKS

1. Summary of the Office Action

In the final Office Action mailed June 28, 2010, the Examiner rejected claims 1, 3, 7-9, 11-17, 21-22, 24-29, 35-42, 66, 68-76, and 78-85 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,954,443 ("Tsirtsis") and in further view of U.S. Patent No. 7,170,863 ("Denman") and in further view of U.S. Patent No. 7,397,802 ("Maeno"). The Examiner rejected claims 2, 5, 18-20, 33, 67, and 77 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsirtsis in view of Denman and Maeno and in further view of U.S. Patent No. 7,418,509 ("Koskelainen"). The Examiner rejected claims 4, 6, 10, and 23 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tsirtsis in view of Denman and Maeno and in further view of U.S. Patent App. Pub. No. 2002/0165969 ("Gallant").

2. Response to Interview Summary mailed July 28, 2010

On July 22, 2010, Tom Loos for the Applicant interviewed the Examiner via telephone. Prior to the interview, Applicant provided the Examiner with a draft of claim 1 for review, which is attached to the interview summary. Applicant argued that, as amended, draft claim 1 overcame the art, as Maeno uses a series of routing tables that track physical connectivity to determine if local processing should take place, while amended claim 1 uses SIP registration at either the first or second proxy to determine how messages should be processed. The Examiner agreed with Applicant's argument and indicated that a new search would be required based on these amendments. The Examiner also provided some helpful comments on Applicant's amendments to claim 1.

No other art, claims, or pertinent issues were discussed.

Applicant thanks the Examiner for sharing his time and expertise during the interview.

3. Status of the Claims

Previously, claims 30-32, 34, and 50-65 were cancelled and claims 43-49 were withdrawn. In this response, claims 1, 4, 29, 66, and 76 have been amended. Now pending are claims 1-29, 33, 35-49, and 66-85, of which claims 1, 29, 43, 66, and 76 are independent claims, and the remainder are dependent claims.

The amendments to the claims are generally supported by the specification as filed and specifically at least as indicated herein. The amendments to the claims are made without prejudice or disclaimer, and solely for the purposes of expediting prosecution. Applicant expressly reserves the right to pursue the subject matter of the previous claims in a continuation application.

4. Response to the Rejections under 35 U.S.C. § 103

As mentioned above, independent claims 1, 29, 66, and 76 are rejected under 35 U.S.C. § 103(a) over Tsirtsis in view of Denman and further in view of Maeno. Applicant submits that Tsirtsis, Denman, and Maeno, alone or in combination, do not support the rejections of claims 1, 29, 66, and 76 for at least the reasons presented below. Further, the Examiner did not establish a *prima facie* case of obviousness of claims 1, 29, 66 and 76 under M.P.E.P. § 2142 (requiring an Examiner to clearly articulate reasoning with rational underpinning to support the conclusion of obviousness).

a. Tsirtsis, Denman, and Maeno, alone or in combination, do not disclose or suggest all of the functionality recited in claim 1. Further, the Examiner has not made a *prima facie* case of obviousness for claim 1 under M.P.E.P. § 2142.

Amended claim 1 recites, in part, use of a “a first client” of “a first plurality of clients in a first region,” a “first SIP proxy”, and a “second SIP proxy” where the “first client is configured to register with the second SIP proxy and optionally with the first SIP proxy”, where “the first SIP proxy is ... configured to determine whether the first client is registered with the first SIP proxy, and, in response to determining that the first client is registered with the first SIP proxy: determine whether or not a push-to-talk communication is local to the first region based on the stored value of the local domain, set up a push-to-talk communication in the first region responsive to determining the

push-to-talk communication is local, and set up the push-to-talk communication in the second region responsive to determining the push-to-talk communication is not local” and where “in response to a determination that the first client is not registered with the first SIP proxy and is registered with the second SIP proxy, the second SIP proxy is configured to set up the push-to-talk communication in the second region.” Support for these amendments may be found generally throughout the specification, and specifically in at least ¶¶ 0055-0056 of the specification.

Applicant submits that the cited art not disclose or suggest at least this quoted functionality as recited in amended claim 1, and therefore does not support a rejection of claim 1 under 35 U.S.C. § 103.

The Examiner acknowledged that

[t]he Tsirtsis/Denman system does not teach wherein the routing device stores a value of a local domain for the first region; or wherein the routing device is further configured to determine whether or not a push-to-talk communication is local to the first region based on the stored value of the local domain, set up a push-to-talk communication in the first region responsive to determining the push-to-talk communication is local, and set up the push-to-talk communication in the second region responsive to determining the push-to-talk communication is not local.

Office Action, pages 4-5. Applicant agrees with this statement of the Examiner.

Further, it follows that, Tsirtsis and Denman do not disclose or suggest “the first SIP proxy is ... configured to determine whether the first client is registered with the first SIP proxy, and, in response to determining that the first client is registered with the first SIP proxy: determine whether or not a push-to-talk communication is local to the first region based on the stored value of the local domain, set up a push-to-talk communication in the first region responsive to determining the push-to-talk communication is local, and set up the push-to-talk communication in the second region responsive to determining the push-to-talk communication is not local.”

Maeno does not cure the deficiencies in Tsirtsis and Denman.

In describing Figure 1, Maeno states that “there is shown an optical network comprising a plurality of optical cross-connect network nodes 11 through 34. An optical client node 51 is connected to the edge node 11 and optical client nodes 61 and 62 are

connected to the edge nodes 43 and 44, respectively. The network is divided into a plurality of network domains 1 through 4. All network domains and client nodes are interconnected by optical links A through I and the nodes within each domain are also interconnected by optical links. In each network domain, the nodes that are interconnected with the nodes in other domains are called as border nodes.” Maeno, col. 4, lines 3-13.

Maeno also describes the use of routing tables, including “an inter-domain connectivity table IDCT, a domain connectivity table DCT and a domain routing table DRT[, where e]ach of these tables is uniquely determined by the configuration of the domain to which each network node belongs.” Maeno, col. 4, lines 55-59.

Maeno describes that the “domain routing table DRT is created based on the inter-domain connectivity table and the domain connectivity table and in addition to a link state advertisement (LSA) message received from neighboring node. This table creation process start with a source node which relies only on its inter-domain connectivity table and its domain connectivity table to create its own domain routing table. The created domain routing table is sent to a neighboring node as an LSA message.” Maeno, col. 5, lines 18-25.

Maeno further describes path setup processing based on the DRT:

[W]hen a source edge node receives a path setup request from a client node (step 2201), the routing processor of the edge node determines, at step 2202, the destination edge node by checking the destination client contained in the request with a client/node mapping table, not shown. If the destination edge node is in the local domain of the source edge node (step 2203), flow proceeds to step 2204 to make a search through the domain routing table DRT (FIG. 18) for a route to the destination edge node. If such a route is not found (step 2205), flow proceeds to step 2206 to transmit an error message to the client node. If a route to the destination edge node is found in the domain routing table, the routing processor proceeds to step 2208 to transmit a path setup (control) message to the nearest node. At step 2209, the routing processor of source edge node instructs its optical switch to establish a connection to the node to which the path setup message has been transmitted.

Maeno, col. 12, lines 12-27.

To summarize, Maeno describes an optical network of optical cross-connect

nodes and client nodes, divided into domains, where the nodes can route messages between the nodes using routing tables representing physical connectivity between the nodes.

However, Maeno does not disclose or suggest a node “is configured to register with the first SIP proxy and the second SIP proxy” as recited in claim 1; rather Maeno is silent regarding registration. Further, Maeno describes that each client node is connected to only one edge node, as opposed to the recited “register[ing] with the first SIP proxy and the second SIP proxy.”

Maeno does not disclose or suggest that “the first SIP proxy is ... configured to determine whether the first client is registered with the first SIP proxy, and, in response to determining that the first client is registered with the first SIP proxy: determine whether or not a push-to-talk communication is local to the first region based on the stored value of the local domain, set up a push-to-talk communication in the first region responsive to determining the push-to-talk communication is local, and set up the push-to-talk communication in the second region responsive to determining the push-to-talk communication is not local.” Rather, Maeno discloses routing of messages from a client node through a source edge node based on physical connectivity between the client node and the source edge node, not based on registration of the client node.

Additionally, Maeno does not disclose “set up [of] the push-to-talk communication in the second region” in response to “a determination that the first client is not registered with the first SIP proxy and is registered with the second SIP proxy.” Rather, Maeno is silent regarding set up of communications in a second region based on a determination that the first client is not registered with the first SIP proxy and is registered with the second SIP proxy.

As Maeno does not cure the above-mentioned deficiencies in Tsirtsis and Denman, Applicant submits that Tsirtsis, Denman, and Maeno, alone or in combination, do not disclose or suggest all of the functionality recited in claim 1. Applicant further submits that the Examiner did not establish a *prima facie* case of obviousness of claim 1 under M.P.E.P. § 2142. Thus, Applicant submits that the cited art does not support rejection of independent claim 1 under 35 U.S.C. § 103.

b. For at least the reasons presented for claim 1, Tsirtsis, Denman, and Maeno, alone or in combination, do not support the rejections of independent claims 29, 66, and 76 under 35 U.S.C. § 103. Further, the Examiner has not made a *prima facie* case of obviousness for claims 29, 66, and 76 under M.P.E.P. § 2142.

Independent claims 29, 66, and 76 stand rejected under 35 U.S.C. § 103 over Tsirtsis in view of Denman. As amended, claims 29, 66, and 76 recite similar functionality to that discussed above for independent claim 1.

Claim 29 has been amended to recite, in part, a “**first client is configured to register with the second SIP proxy and optionally with the first SIP proxy,**” a “**first SIP proxy [that], in response to determining that the first client is registered with the first SIP proxy: determin[es] whether or not the push-to-talk communication is local based on the stored value of the local domain,** responsive to determining the push-to-talk communication is not local, determin[es] the second SIP proxy serving the second client, and rout[es] the SIP message to the second client via the second SIP proxy” and a “**second SIP proxy [that], in response to a determination that the first client is not registered with the first SIP proxy and is registered with the second SIP proxy, rout[es] the message to the second client**” (emphasis added).

Claim 66 has been amended to recite, in part, “[a]n apparatus, comprising: **means for determining that a first client is registered at the apparatus; ...means for, in response to the means for determining that the first client is registered at the apparatus, determining whether or not a push-to-talk communication is local based on the stored value of the local domain; means for, in response to the means for determining that the first client is registered at the apparatus, determining a first SIP proxy serving the first client responsive to determining the push-to-talk communication is not local; and means for, in response to the means for determining that the first client is registered at the apparatus, routing the SIP message to the first client via the first SIP proxy**” (emphasis added).

Claim 76 has been amended to recite, in part, “[a] tangible computer readable medium with logic stored thereon that... causes the network element to perform operations comprising... **determine that the first client is registered with the network element;... and in response to determining that the first client is registered with**

the network element: determining whether or not the push-to-talk communication is local based on the stored value of the local domain, responsive to determining the push-to-talk communication is not local, determining a first SIP proxy serving the first client, and routing the SIP message to the first client via the first SIP proxy” (emphasis added).

Support for these amendments may be found generally throughout the specification, and specifically in at least ¶¶ 0055-0056 of the specification.

Thus, for at least the reasons set forth for claim 1, Applicant submits that the proposed Tsirtsis/Denman combination does not support rejection of independent claims 29, 66, and 76 under 35 U.S.C. § 103.

Applicant further submits that the Examiner did not establish a *prima facie* case of obviousness of claims 1, 29, 66 and 76 under M.P.E.P. § 2142.

For at least these reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 1, 29, 66, and 76 under 35 U.S.C. § 103.

c. Applicant respectfully requests the Examiner withdraw the rejections of the dependent claims as well, for at least the reasons provided above.

Further, Applicant submits that the revisions and comments directed above to independent claims 1, 29, 66, and 76 apply equally to dependent claims 2-28, 33, 35-42, 67-75, and 77-85, each of which depend directly or indirectly from claims 1, 29, 66, and 76. On at least this basis, the Applicant requests reconsideration and withdrawal of the rejections of dependent claims 2-28, 33, 35-42, 67-75, and 77-85. Some of these dependent claims stand rejected under § 103 in view of certain other references. However, the Applicant submits that these other references do not cure the deficiencies of the proposed Tsirtsis/Denman combination.

Further, Applicant submits that the Examiner did not establish a *prima facie* case of obviousness of claims 2-28, 33, 35-42, 67-75, and 77-85 under M.P.E.P. § 2142.

Therefore, Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 2-28, 33, 35-42, 67-75, and 77-85 under 35 U.S.C. § 103.

5. Conclusion

In view of the foregoing, Applicant submits that all stated rejections have been addressed, and thus Applicant respectfully requests reconsideration and withdrawal of these rejections. The Examiner is invited to call the undersigned attorney at 312-913-3338 to expedite prosecution of this application.

Respectfully submitted,

**McDonnell Boehnen
Hulbert & Berghoff LLP**

Date: August 20, 2010

By: /Thomas J. Loos/
Thomas J. Loos
Reg. No. 60,161